

REMARKS

This is in response to the Official Action currently outstanding with regard to the above-identified application, which Official Action the Examiner has designated as being FINAL.

Claims 1, 3-7 and 25-32 were pending at the time of the issuance of the currently outstanding Official Action in the above-identified application. Claims 2 and 10-24 were withdrawn previously as a result of Applicants' Response to the Examiner's Restriction Requirement. In addition, Claims 8 and 9 were canceled previously, without prejudice. By the foregoing Amendment, Applicant has proposed the amendment of Claims 1 and 25.. Applicant does not propose the cancellation, addition or withdrawal of any further claims. Accordingly, Claims 1, 3-9 and 25-32 as hereinabove amended will constitute the claims under active prosecution in this application upon the entry of the foregoing Amendment.

The Claims of this application as they will stand in the event that the Examiner grants the entry of the foregoing Amendment are reproduced above with appropriate status identifiers and showing the changes proposed to made in accordance with the spirit of the Rules.

More particularly, in the currently outstanding Official Action the Examiner has:

1. Re-acknowledged Applicants' claim for foreign priority under 35 USC §119 (a)-(d) or (f), and reconfirmed the receipt by the United States Patent and Trademark Office of the required copies of the priority documents for this application.
2. Reconfirmed that the drawings as filed with this application on 5 May 2006 have been accepted.

3. Deemed Claims 2, 10-24 and 30-32 to be withdrawn from further consideration. –

Applicant agrees that Claims 2 and 10-24 have been withdrawn from further consideration and agrees that those claims should have been reproduced in Applicant's previous response. That failure to reproduce withdrawn Claims 2 and 10-24 is corrected in this Amendment. Applicant, however, disagrees with the Examiner's conclusion regarding Claims 30-32 and respectfully traverses that same for the reasons discussed further below..

4. Rejected Claims 25-29 under 35 USC 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter that Applicants regard as the invention. Specifically, the Examiner finds the terminology "fine" to be indefinite and to lack appropriate definition in the specification and claims. – **Applicants agree with the Examiner to the extent that the word "fine" has been used to modify the reference to "recesses" and has amended Claims 1 and 25 so as to remove that terminology. However, to the extent that the word "fine" is utilized to modify the word "particles" Applicant respectfully note that "fine particles" are defined as being 50 to 100 nm in the present specification –see page 9 – and therefore the latter use of the word "fine" in the claims is deemed to be appropriate.**

5. Rejected Claims 1, 3-5, 7, and 25-28 under 35 USC 103(a) as being unpatentable over Chan et al (US Published Patent Application No. 2002/0090649) in view of Yamashita (US Published Patent Application No. 2004/0018548).

6 Rejected Claim 6 under 35 USC 103(a) as being unpatentable over Chan et al and Yamashita in view of Vossmeier et al (US Published Patent Application No. 2002/0132361)

7. Rejected Claim 29 under 35 USC 103(a) and (e) as being unpatentable over Chan et al and Yamashita in view of Coassin et al (US 6,229,603).

Further comment regarding items 1, 2 and 4 above is not deemed to be required in these Remarks.

With respect to item 3 above, Applicants respectfully submit that none of the documents cited by the Examiner teaches, describes or suggests the special technical feature of the presently claimed invention that a film formed by electroconductive fine particles is formed between the electrodes.

With respect to the remaining items summarized above, on the other hand, Applicants have the following comments for the consideration of the Examiner.

Applicants respectfully submit that the Chan et al reference describes “each output electrode is in electrochemical contact with an input electrode (emphasis added, see paragraphs 0013-0017 of Chan et al.). Applicant respectfully asserts that this means that the two electrodes are in indirect electrical contact with one another via an electron transfer mediator such as an electrochemically-active reporter molecule and the sensors are based on electrochemical detection. In other words, the two electrodes must NOT be directly electrically connected to each other.

By contrast, in the presently claimed sensor, the first electrode is directly electrically connected to the second electrode via a film formed by electroconductive fine particles. The claimed sensor is based on electrical detection (see, for example, page 20, lines 11-20 of the present specification) without using any electron transfer mediator.

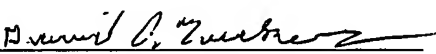
Applicants respectfully submit that one of ordinary skill in the art at the time that the present invention was made would never have been motivated to combine Chan et al with the other references cited by the Examiner so as to form a film formed by electroconductive fine particles between the electrodes (i.e., to directly electrically connect output electrode to input electrode) in the electrochemical detection-based sensors as disclosed by Chan et al.

Accordingly, for each and all of the foregoing reasons in view of the amendments set forth hereinabove, Applicant respectfully submits that the Examiner's currently outstanding rejections now have been overcome. Therefore, entry of the foregoing Amendment, reconsideration of this application as so amended, and allowance of the presently pending claims all are respectfully requested in response to this submission.

Finally, Applicant believes that additional fees beyond those submitted herewith are not required in connection with the consideration of this supplemental response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

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SIGNATURE OF PRACTITIONER

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